

**REMARKS**

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

Applicants request withdrawal of the finality of the Office Action of July 17, 2003. This Office Action was in response to an RCE filed and Amendment filed under 37 CFR 1.114 on June 26, 2003. In the Amendment of June 26, 2003, Claim 3 was narrowed.

The present invention as set forth in **amended Claim 3** relates to a floor polishing composition, comprising:

a film-formable organic resin material as the main component, and  
scaly particles,

wherein said scaly particles are silica corresponding to layered polysilicic acid,

wherein said layered polysilicic acid has layered particle structures that are present independently from each other,

wherein said layered polysilicic acid comprises foliar silica secondary particles that are present discretely from each other,

wherein a plurality of flaky primary particles of scaly silica are overlaid one on another and aligned face-to-face in parallel with one another, and

**wherein the foliar silica secondary particles are obtained by disintegrating an aqueous slurry of tertiary agglomerated particles of silica** by means of a mechanical high speed stirring system employing a disintegrating medium.

In addition, **new Claim 27** has been added to further define the scaly particles of Claim 11.

Zdanowski et al (U.S. 3,900,438), Terase et al (U.S. 6,077,341) and Hackett et al fail to disclose or suggest **foliar silica secondary particles obtained by disintegrating an aqueous slurry of tertiary agglomerated particles of silica.**

Zdanowski et al disclose coating compositions that are useful as floor polishes.

However, as recognized by the Examiner (Office Action of July 17, 2003, page 4, 1<sup>st</sup> full paragraph), this reference fails to disclose a floor polishing composition comprising a film-formable organic high molecular material and scaly particles of silica, wherein the scaly particles correspond to layered polysilicic acid, more specifically foliar silica secondary particles wherein a plurality of flaky primary particles of scaly silica are overlaid one on another and aligned face to face in parallel.” To cure this defect, the Examiner relies on Terase et al (U.S. 6,077,341).

Terase et al (U.S. 6,077,341) discloses one of the inventions of Mr. Teras (one of the present inventors). The silica agglomerate disclosed in Terase et al (U.S. 6,077,341) is “tertiary agglomerated particles of silica(tertiary particles)” disclosed at page 19, line 25 to page 20, line 1 of the present specification. The “tertiary particles” are illustrated by the photographs of Terase et al, and have an outer appearance like a cabbage. On the other hand, the “foliar silica secondary particles” employed in the present invention are equivalent to one sheet of leaf of this cabbage, and are obtained by disintegrating “tertiary particles”. One sheet of cabbage leaf itself is made by overlaying “flaky primary particles of scaly silica particles”.

“Foliar silica secondary particles” as claimed were previously employed in the Applicants patent U.S. 6,534,176 (Serial No. 09/729,822), filed with a List of Related Cases on August 28, 2001. At the time of filing the List of Related Cases the application was still pending. Serial No. 09/729,822 was filed on December 6, 2000 and issued as a patent on March 18, 2003. Applicants attach herewith a Form 1449 so that U.S. 6,534,176 can be printed on the front of a patent issuing form the present application.

Terase et al (U.S. 6,077,341) discloses “tertiary particles”, but does not disclose or suggests to use “secondary particles” so that “secondary particles of foliar silica are present

discretely from each other". Thus, even a combination of Zdanowski et al, (U.S. 3,900,438) and Terase et al (U.S. 6,077,341) does not result in the present invention.

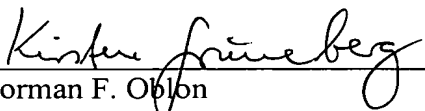
Hackett et al fail to disclose or suggest **foliar silica secondary particles obtained by disintegrating an aqueous slurry of tertiary agglomerated particles of silica**. Thus, even a combination of Zdanowski et al, (U.S. 3,900,438) and Terase et al (U.S. 6,077,341) and Hackett et al does not result in the present invention.

Therefore, the rejection of Claims 3, 5, 8, 10-15 and 21-26 under 35 U.S.C. § 103(a) over Zdanowski et al, (U.S. 3,900,438) in view of Terase et al (U.S. 6,077,341) and the rejection of Claims 16-19 under 35 U.S.C. §103(a) as being unpatentable over Zdanowski et al (US 3,900,438), modified by Terase et al (US 6,077,341), further in view of Hackett et al (US 4,363,935) are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of these rejections is respectfully requested.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon  
Attorney of Record  
Registration No.: 24,618

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
NFO:KAG:

Kirsten A. Grueneberg, Ph.D.  
Registration No.: 47,297